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Reviewing the proposed final judgment against Microsoft I find a glaring problem regarding the current state of the software industry. There are a variety of proscribed actions against OEM's, ISV's, and IHV's, yet what exactly constitutes a member of any of those groups, and what information they may have access to, is apparently left to Microsoft's discretion.

Due to Microsoft's prolonged maintenance of their monopoly power, most corporations that would reasonably be classified in those groups have been severely weakened. The strongest realistic competitor to Microsoft's products today come from the world of "open source" software.

The open source software community functions on a completely different economic model than Microsoft's traditional competitors. They develop and distribute software at no cost, operating instead on a model of service and support. Absolutely key to this model is inter-operability with Microsoft's line of operating systems. While open source based software organizations have produced products with strong feature sets and security, due to the open nature of their product they simply cannot benefit from any judgment that allows Microsoft to not disclose inter-operability information for any reason.

In particular, Section III, paragraph J. item 1, allows Microsoft to restrict access to compatibility information that "would compromise the security" of certain information. Microsoft would have the public believe that security information must be secret in order to be secure. This is patently false and has been proven in the security community. As an example, Microsoft's IIS web server software has had a long history of regular security breaches, despite the complete unavailability of it's security information outside of Microsoft. In contrast, the Apache web server, the full source code of which is publicly available, has not had a major security breach in 4 years. Open inspection of Microsoft's security information is key not only for inter-operability, but for consumer protection as well.

Of greater concern is section 2(c) in the following section, precluding those who do not "meet(s) reasonable, objective standards established by Microsoft for certifying the authenticity and viability

of its business". Microsoft has stated clearly that it does not believe open source software development has a role in the software industry. On the contrary, several companies have been established on open source software. Further, said software was in development several years before these companies even attempted to become "viable" businesses. Microsoft would not have acknowledged software such as sendmail, apache, or Linux as authentic and viable business at the time of their development. Today, Sendmail, Inc., The Apache Group, and Linux companies such as Red Hat, Caldera, Suse, and Mandrake are in business based on that software. Apple Computer and Hewlett-Packard are testaments to the fact that two people in a garage is a "viable business" in this industry. I doubt if Microsoft would certify the authenticity and viability of today's origins of tomorrow's corporations.

I have more concerns about the other specifics of this judgment, but the final summary is this: It provides for too much control over the interpretation and application of the judgment to the convicted perpetrator itself, Microsoft. This judgment provides little realistic relief for traditional competitors, no relief for open source competitors, and no hope for either home or corporate consumers wishing to extricate themselves from Microsoft's history of oppression.

The entire software industry is poised for a drastic change in market economics. Open source software is proving to be a disruptive technology that offers an enormous opportunity for independent software developers to thrive if, and only if, Microsoft is not allowed to hold them at bay with continued anti-competitive practices.

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